

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

D/F

TROY ALLEN,

Petitioner,

-against-

ORDER

16-CV-2440 (NGG)

PHYLLIS COVEN, SECRETARY JEH JOHNSON, and
LORETTA E. LYNCH,

Respondents.

NICHOLAS G. GARAUFIS, United States District Judge.

Petitioner Troy Allen brings this action against Respondents Phyllis Coven, New York District Director, U.S. Citizenship and Immigration Services (“USCIS”); Jeh Johnson, Secretary of Homeland Security; and Loretta E. Lynch, U.S. Attorney General. Petitioner “seeks de novo review of an immigration officer’s denial of his application for naturalization.”¹ (Pet. (Dkt. 1) at 2.) Petitioner is a Jamaican citizen and U.S. permanent resident who applied for U.S. citizenship in 2015. (*Id.*) At Petitioner’s naturalization hearing in November 2015, “the Hearing officer indicated that there was a separate arrest that was not disclosed” in Petitioner’s application, and that “documentation was needed for that arrest. Petitioner denied any knowledge of this arrest and sought additional time to pursue the documents pertinent to that arrest.” (*Id.* at 2-3.) Petitioner’s application was denied on January 14, 2016. (*Id.* at 3.) Petitioner asserts that he has since acquired the relevant documentation about the criminal

¹ A “person whose application for naturalization . . . is denied, after a hearing before an immigration officer . . . , may seek review of such denial before the United States district court for the district in which such person resides. . . . Such review shall be de novo” as to both factual findings and conclusions of law, and the court “shall, at the request of the petitioner, conduct a hearing de novo on the application.” 8 U.S.C. § 1421(c).

matters mentioned by the hearing officer, and that this “newly discovered evidence establishes conclusively that no conviction resulted from the case at issue that would bar the Petitioner from naturalization.” (Id. at 5.)

In light of this newly discovered evidence, and on the joint recommendation of the parties, the court DIRECTS USCIS to reopen Petitioner’s case for reconsideration. The Petition (Dkt. 1) is DISMISSED WITHOUT PREJUDICE. If Petitioner’s application for naturalization is denied upon reconsideration, Petitioner retains the ability to seek judicial review under 8 U.S.C. § 1421(c). The Clerk of Court is respectfully DIRECTED to close this case.

SO ORDERED.

Dated: Brooklyn, New York
November 8, 2016

/s/Nicholas G. Garaufis
NICHOLAS G. GARAUFIS
United States District Judge